

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HEATHER DE MIAN)	
)	
Plaintiff,)	
)	Cause# 4:18-CV-01680-AGF
v.)	
)	
CITY OF SAINT LOUIS, MISSOURI,)	
COL. JOHN HAYDEN, in his)	
individual capacity, and)	
OFFICER WILLIAM OLSTEN, in his)	
individual capacity.)	
)	
Defendants.)	

**DEFENDANT WILLIAM OLSTEN’S MOTION FOR LEAVE
TO FILE HIS FIRST AMENDED CROSSCLAIM**

COMES NOW Defendant William Olsten, by and through counsel, and for is Motion to Amend his Crossclaim against the City of St. Louis, states as follows:

1. The deadline for filing amended pleadings has passed.
2. Defendant’s Crossclaim alleges the City of St. Louis is obligated to defend and indemnify him in this lawsuit as he was acting in the course and scope of his employment as a police officer with the St. Louis Metropolitan Police Department.
3. On August 28, 2021, RSMo 590.502 (aka “Law Enforcement Officer’s Bill of Rights”) became law. Section 7 provides:

“Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims.”

4. On May 28, 2021, Defendant was acquitted of all charges in the underlying criminal case styled *State of Missouri v. William Olsten*, Cause #1922-CR02199-01.

5. These recent developments have a significant, substantive impact on Defendant's Crossclaim against the City of St. Louis.

6. This case is currently set for trial on September 12, 2022. Discovery is ongoing and no dispositive motions have been filed. The deadline for doing so is April 4, 2022.

7. A copy of Defendant's Amended Crossclaim is attached hereto as **Exhibit A**.

Respectfully submitted,

MILLIKAN LAW OFFICE, LLC

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CERTIFICATE OF SERVICE

Certificate of Service Signature of the foregoing is also certification that the foregoing was filed electronically with the Clerk of the United States District Court for the Eastern District of Missouri to be served by operation of the electronic filing system upon the counsel of record, this 2nd day of September, 2021.

/s/ Brian P. Millikan